

2001 DRAFTING REQUEST**Bill**Received: **12/06/2000**Received By: **nelsorp1**Wanted: **As time permits**

Identical to LRB:

For: **Gwendolynne Moore (608) 266-5810**

By/Representing:

This file may be shown to any legislator: **NO**Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - immunity liability**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Law enforcement agency notices regarding drug nuisance in rental property

Instructions:

See Attached 99-1031

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 12/11/2000	jdye 12/12/2000		_____			
/1			martykr 12/12/2000	_____	lrb_docadmin 12/12/2000	lrb_docadmin 12/12/2000	

FE Sent For:

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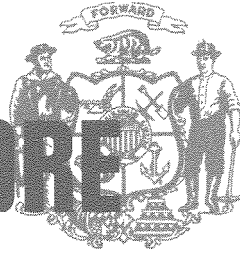
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State Senator GWENDOLYNNE MOORE



Capitol Office:
P. O. Box 7882, Madison, WI 53707-7882
Phone: (608) 266-5810 Fax: (608) 267-2353
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Toll-free Legislative Hotline: 1-800-362-9472
E-Mail: sen.moore@legis.state.wi.us
Member: Joint Finance Committee
Board Member: Wisconsin Housing and
Economic Development Authority

Draft Request

To: Robert P. Nelson, Senior Legislative Attorney
Legislative Reference Bureau
From: Senator Gwendolynne S. Moore
Date: December 6, 2000
Re: Revision to Drug Abatement Law, 1999 SB 43

Last session, our office introduced 1999 Senate Bill 43, which would expand the law enforcement agencies allowed to give notice to a property owner that a rental unit is a nuisance under the drug abatement law. This bill died in committee last session. As such, I would like to request a re-draft of 1999 SB 43, for introduction into the upcoming session.

Under current law, a property owner may evict a tenant, with a 5-day written notice, when the owner receives notice from a law enforcement agency of a city, town, or village that a rental unit is being used for a drug trafficking or gang-related activity. This bill would expand the types of law enforcement agencies to include any law enforcement agency of the state or of a political subdivision of the state.

Please find enclosed a copy of the bill for your reference. If you have any questions, please contact Jessica Clark in my office at 266-5810.

Thank you!

SENATE BILL 43

An Act to amend 704.17 (1) (c), 704.17 (2) (c), 704.17 (3) (b) and 893.80 (7) of the statutes; relating to: **termination** of a **tenancy** if notice given regarding drug or criminal gang activity. 1999.

02-16-99. S. Introduced by Senators Moore, Burke, Erpenbach, Plache, Chvala, Risser, Darling, Panzer, Rosenzweig, Cowles and Roessler; cosponsored by Representatives Turner, Plale, Cullen, Riley, Ziegelbauer, Colon, Black, Ryba, Bock, Boyle, Morris-Tatum, Sinicki, F. Lasee, Kelso, Ladwig, Sykora, Porter, Urban and Powers.

02-16-99. S. Read first time and referred to committee on Judiciary and Consumer Affairs

56

05-25-99. S. Public hearing held.

2000

04-06-00. S. Failed to pass pursuant to Senate Joint Resolution 1 **583**

2001
1999 SENATE BILL 48

February 16, 1999 – Introduced by Senators MOORE, BURKE, ERPENBACH, PLACHE, CHVALA, RISSER, DARLING, PANZER, ROSENZWEIG, COWLES and ROESSLER, cosponsored by Representatives TURNER, PLALE, CULLEN, RILEY, ZIEGELBAUER, COLON, BLACK, RYBA, BOCK, BOYLE, MORRIS-TATUM, SINICKI, E. LASEE, KELSO, LADWIG, SYKORA, PORTER, URBAN and POWERS. Referred to Committee on Judiciary and Consumer Affairs.

Regen

- 1 AN ACT to amend 704.17 (1) (c), 704.17 (2) (c), 704.17 (3) (b) and 893.80 (7) of the
2 statutes; relating to: termination of a tenancy if notice given regarding drug
3 or criminal gang activity.

Analysis by the Legislative Reference Bureau

* Under current law, if a property owner receives notice from a law enforcement
* agency of a city, town or village that a rental unit is a nuisance because the unit is
* being used to facilitate the delivery, distribution or manufacture of a controlled
substance or is being used to facilitate the activities of a criminal gang, the property
owner may terminate the tenancy by giving the tenant written notice requiring the
tenant to vacate on or before a date at least five days after the giving of the notice.

* Under current law, the city, town or village, and officers and employees of those
municipalities who act in good faith, are immune from liability for acts or omissions
related to the provision of a notice that a rental unit is a public nuisance.

* This bill expands the law enforcement agencies that may give notice to a
property owner that a rental unit is a nuisance to include any law enforcement
agency of the state or of a political subdivision of the state and provides immunity
to those additional entities and their officers and employees.

***The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:***

SENATE BILL 43

SECTION 1

✓ SECTION 1. 704.17 (1) (c) of the statutes is amended to read:

704.17 (1) (c) A property owner may terminate the tenancy of a week-to-week or month-to-month tenant if the property owner receives written notice from a law enforcement agency of a city, town or village, as defined in s. 165.83 (1) (b), that a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental unit or was caused by that tenant on the property owner's property and if the property owner gives the tenant written notice requiring the tenant to vacate on or before a date at least 5 days after the giving of the notice. The notice shall state the basis for its issuance and the right of the tenant to contest the termination of tenancy in an eviction action under ch. 799. If the tenant contests the termination of tenancy, the tenancy may not be terminated without proof by the property owner by the greater preponderance of the credible evidence of the allegation in the notice from the law enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental unit or was caused by that tenant. This paragraph does not require the sheriff of Milwaukee County to provide a property owner with a written notice that a nuisance exists under s. 823.113 (1) or (1m) (b).

✓ SECTION 2. 704.17 (2) (c) of the statutes is amended to read:

704.17 (2) (c) A property owner may terminate the tenancy of a tenant who is under a lease for a term of one year or less or who is a year-to-year tenant if the property owner receives written notice from a law enforcement agency of a city, town or village, as defined in s. 165.83 (1) (b), that a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental unit or was caused by that tenant on the property owner's property and if the property owner gives the tenant written notice requiring the tenant to vacate on or before a date at least 5 days after the giving of the notice. The notice shall state the basis for its issuance and the right of the tenant to contest

PWF

SENATE BILL 43

1 the termination of tenancy in an eviction action under ch. 799. If the tenant contests
2 the termination of tenancy, the tenancy may not be terminated without proof by the
3 property owner by the greater preponderance of the credible evidence of the
4 allegation in the notice from the law enforcement agency of a city, town or village that
5 a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental unit or was
6 caused by that tenant. This paragraph does not require the sheriff of Milwaukee
7 County to provide a property owner with a written notice that a nuisance exists
8 under s. 823.113 (1) or (1m) (b).

9 ✓ SECTION 3. 704.17 (3) (b) ✓ of the statutes is amended to read:

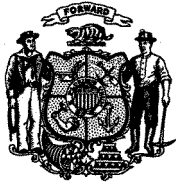
10 704.17 (3) (b) A property owner may terminate the tenancy of a tenant who is
11 under a lease for a term of more than one year if the property owner receives written
12 notice from a law enforcement agency of a city, town or village, as defined in s. 165.83
13 (1) (b), that a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental
14 unit or was caused by that tenant on the property owner's property and if the
15 property owner gives the tenant written notice to vacate on or before a date at least
16 5 days after the giving of the notice. The notice shall state the basis for its issuance
17 and the right of the tenant to contest the termination of tenancy in an eviction action
18 under ch. 799. If the tenant contests the termination of tenancy, the tenancy may
19 not be terminated without proof by the property owner by the greater preponderance
20 of the credible evidence of the allegation in the notice from the law enforcement
21 agency of a city, town or village that a nuisance under s. 823.113 (1) or (1m) (b) exists
22 in that tenant's rental unit or was caused by that tenant. This paragraph does not
23 require the sheriff of Milwaukee County to provide a property owner with a written
24 notice that a nuisance exists under s. 823.113 (1) or (1m) (b). ✓

25 ✓ SECTION 4. 893.80 (7) ✓ of the statutes is amended to read:

SENATE BILL 43**SECTION 4**

PwF { 1 893.80 (7) No suit may be brought against ~~any city, town or village or the state~~
2 or any governmental subdivision or agency thereof or against any officer, official,
3 agent or employe^e_^ of any of those entities who, in good faith, acts or fails to act to
4 provide a notice to a property owner that a public nuisance under s. 823.113 (1) or
5 (1m) (b) exists.

(END)



STEPHEN R. MILLEH
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 12, 2000

MEMORANDUM

To: Senator Moore

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-1354 Law enforcement agency notices regarding drug nuisance in rental property

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

____ JACKET FOR ASSEMBLY ☒ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7511 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.